

**Minutes of the 13 February 2017
Regular Meeting of the Yancey County Board of Commissioners
Held at 6:00 o'clock p.m. in the Yancey County Courtroom
Yancey County Courthouse, Burnsville, North Carolina**

Present at the 13 February 2017 meeting of the Yancey County Board of Commissioners were: Chairman Johnny Riddle, Commissioner Jill Austin, Commissioner Mark Ledford, Commissioner John Stallings, Commissioner Jeff Whitson, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, County Planner Jamie McMahan, County Attorney Donny Laws, members of the media, and members of the general public.

Call to Order and Approval of Agenda

Chairman Riddle called the meeting to order. Chairman Riddle then delivered the invocation. After the invocation, Commissioner Austin led the Pledge of Allegiance. Chairman Riddle then asked for a motion to approve the agenda. Commissioner Austin made a motion to approve the agenda and it was seconded by Commissioner Stallings. The vote to approve was unanimous (Attachment A).

4-H

The Board next heard from Mrs. Linda Semon with the North Carolina Cooperative Extension. Mrs. Semon gave awards to a number of young people who had competed at the 4-H district and state levels. Mrs. Semon also recognized volunteers to the 4-H program, combining for more than 2,000 hours.

The Board next heard from 4-H member Kyler Glover who was requesting the Board's approval on a project to bring youth volunteers together with local nonprofits. Commissioner Whitson asked about what the volunteers would be doing at the local nonprofits to which Mr. Glover replied that they would be doing different things according to what the nonprofit focused on. He said he would also report back to the Board from time to time. Upon hearing from Mr. Glover, Commissioner Austin made a motion to approve the project by Kyler Glover and it was seconded by Commissioner Whitson. The vote to approve was unanimous.

Public Comment

The Board first heard from Tom Robinson who spoke about illegal aliens. The Board next heard from Marvin Taylor who spoke about lies that were told by Gary Banks.

Consent Agenda

The Board next moved to the consent agenda portion of the agenda. On the consent agenda for February was the approval of the January 23rd special meeting minutes and the January 9th regular meeting minutes. This month the consent agenda also contains two appointments. The first appointment is for the Senior Tar Heel Legislator. Currently, Mrs. Daphne Griggs serves in this position and her husband, Tommy Griggs, is the alternate. Both of these individuals have agreed to continue in these positions (Attachment B). The second appointment that the Board needs to make is an appointment to the AMY Regional Library Board of Directors. Mrs. Beryl Carroll has agreed to sit on this board (Attachment C). In addition the February consent agenda contains the tax collector's settlement for 2016 taxes. The Board must approve this settlement in order for the tax collector to publish second notice of taxes owed (Attachment D). Finally, this month's consent agenda includes the January tax collection report. This is for informational purposes only (Attachment E). Upon hearing the items on the consent agenda, Commissioner Whitson made a motion to approve the consent agenda and it was seconded by Commissioner Stallings. The vote to approve was unanimous.

Yancey County 2015-16 Fiscal Year Audit

The Board next heard from Brian Broom with Dixon, Hughes, Goodman, LLP. Mr. Broom stated that his firm had completed the financial audit for the County for fiscal year 2015-16. Mr. Broom stated that the County had made a lot of progress over the last eight years to rebuild the fund balance but to also work on removing audit findings, this year there was only one audit finding in the Medicaid program. Mr. Broom stated that he had been told by the Local Government Commission that they use Yancey County as an example of how units of government who are in financial problems to get their financial house in order. Mr. Broom further stated that the County was in good financial shape even though the fund balance dropped to 9% from 11%. This was due to the reevaluation fund which is required of counties at least every eight years (Attachment F and G).

AMY Regional Library

The Board next heard from Amber Westall Briggs, AMY Regional Library Director. Mrs. Briggs stated that Yancey County is doing well and that Yancey County has a vibrant community at the library. Mrs. Briggs gave updates on programs at the library and invited the commissioners to come and visit the library at any time. Mrs. Briggs also informed the Board that the Friends of the Library Group and the library board are working on a landscaping project that will be starting soon. According to Mrs. Briggs a landscaping plan has been developed and will begin working on the landscaping components beginning in mid-March (Attachment H).

Appalachian Voices

The Board next heard from Rory McIlmoil with Appalachian Voices. Mr. McIlmoil stated that Appalachian Voices has been working with French Broad Electric to establish an on-bill tariff program for energy efficiency. This program would help low income families make their homes more energy efficient without having to obtain credit. It would also allow renters to make their homes more energy efficient. According to Mr. McIlmoil, Southern Reconciliation Ministries that operates the Reconciliation House is supportive of this project and according to estimates about 2,400 families would qualify in Yancey County. Commissioner Ledford inquired as to the difference in this and USDA programs. Mr. McIlmoil stated that this program does not require property ownership or a credit checks, it is added on to the electric bill which should be less with the energy efficiency improvements. Commissioner Whitson inquired of Mr. McIlmoil about the feeling of French Broad EMC. Mr. McIlmoil stated that they know this is a good program but are concerned about the staff that is required and they are also waiting on what might happen at the state level. Also according to Mr. McIlmoil this has real economic impact for Yancey County and he would ask for the commissioners to pass a resolution of support. Chairman Riddle then asked the clerk to read the resolution. Upon reading of the resolution, Chairman Riddle made a motion to approve the resolution. The motion was seconded by Commissioner Whitson and the vote to approve was unanimous (Attachment I).

Voluntary Agriculture District Ordinance

The Board next heard from County Planner Jamie McMahan concerning the Voluntary Agriculture District (VAD) program which includes an ordinance. According to Mr. McMahan this program was established in 1985 to protect farmland and provide protections for farmers. The ordinance would establish a board made up of 8 individuals from the geographical districts of the county. The ordinance would give notice to neighbors about the agriculture activities that are being done. It provides a layer of protection for farmers and farmland as well as getting recognition by signage from the NCDOT. Mr. McMahan also explained the differences between a basic VAD ordinance and an enhanced VAD ordinance and stated that the Yancey County ordinance would allow farmers to choose which one they wanted to participate in. This ordinance was the first of the five recommendations from the action report presented in January from the consultants, Noah Wilson and Mary Snow. Commissioner Whitson stated that he was 100% in favor of agriculture and that along with TRACTOR will provide a sustainable economic driver. Commissioner Stallings stated that he was proud to be a part of supporting agriculture in Yancey County, while Chairman Riddle echoed those sentiments. Upon hearing from Mr. McMahan, Commissioner Stallings made a motion to approve the Voluntary Agricultural District Ordinance. The motion was seconded by Commissioner Ledford and the vote to approve was unanimous (Attachment J).

County Manager Report

The Board next heard from County Manager Nathan Bennett. Mr. Bennett began by informing the Board that some residents on Fruit Tree Lane had presented a request to have Fruit Tree Lane added to the North Carolina Department of Transportation secondary road maintenance system and that there was a draft resolution for the Board's consideration. Chairman Riddle then had the clerk read the resolution. Upon hearing the reading of the resolution, Commissioner Austin made a motion to approve the resolution. The motion was seconded by Commissioner Whitson and the vote to approve was unanimous (Attachment K). Mr. Bennett then informed the Board that he had received authorization from the state to open the sewer line from Micaville to Hickory Springs. The Town of Burnsville has been contracted to operate the sewer plant and anyone interested in hooking up to the system can go by Town Hall for an application. Mr. Bennett also stated that he had had a conversation with the contractor about finishing the project all the way to Burnsville. Mr. Bennett also gave the Board an update on the building inspections software and that he was hopeful for a March 1st start date.

County Attorney Business

The Board next heard from County Attorney Donny Laws. Mr. Laws informed the Board that the County had acquired four tracts of land through the foreclosure process. According to Mr. Laws the County has had a public auction to dispose of these properties in the past. Mr. Laws stated that he would propose March 29th at 1:00 pm as the time and date of the auction. In order to proceed with this the Board would need declare the properties as surplus through resolution. Upon hearing from Mr. Laws, Commissioner Whitson made a motion to approve the resolution to declare the properties surplus. The motion was seconded by Commissioner Austin and the vote to approve was unanimous (Attachment L). Mr. Laws also updated the Board on tax appeals that have been appealed to the Property Tax Commission (PTC). Mr. Laws also informed the Board that there were a number of discrepancies found during the 2016 reappraisal, which are called discoveries. Mr. Laws explained what discoveries are and how they are resolved. According to Mr. Laws, there needs to be a way for folks to air their grievances. This can be done by the Board of Equalization and Review or by the Board of Commissioners. Mr. Laws advised the Board that they should be thinking about how they would like to handle these situations. Next, Mr. Laws spoke to the Board concerning the new school construction on the west side of the county. According to Mr. Laws, school boards are not able to borrow money to build schools and this falls to the counties to do. Mr. Laws stated that for the next two years that the process will be underway for the financing of the school and will be talking to the Board about it. One of the ways to finance a school is through the United States Department of Agriculture (USDA). The first step will be a pre-application to USDA which the Board needs to approve. The other step in the process would be to approve the bond council. The bond council must be obtained to assure banks and the Local Government Commission (LGC) that the process has been done correctly. According to Mr. Laws, we have used Mary Nash Rusher with McGuire Woods in Raleigh as bond council before for other projects. Ms. Rusher has sent a letter of engagement to the County and has agreed to be our bond council for a \$25,000 fee. This letter of engagement must also be approved by the Board to obtain bond council. Upon hearing from Mr. Laws, Commissioner Whitson made a motion to authorize the county manager and county attorney to make application with USDA and in addition to approve the letter of engagement from Mary Nash Rusher with McGuire Woods for bond council. The motion was seconded by Commissioner Austin and the vote to approve was unanimous (Attachment M) .

Commissioner Business


There was no other commissioner business at this time.

Adjournment

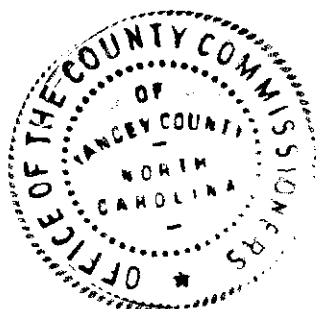
Having no further business Commissioner Ledford made a motion to adjourn and it was seconded by Commissioner Whitson. The vote to adjourn was unanimous.

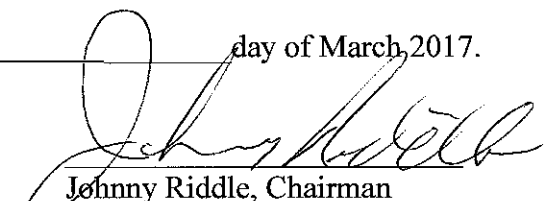
Approved and authenticated on this the _____ 13th _____ day of March 2017.

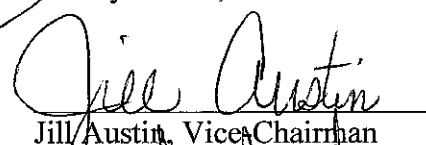
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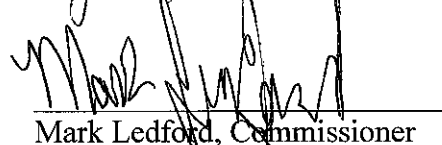

Jason Robinson
Clerk to the Board

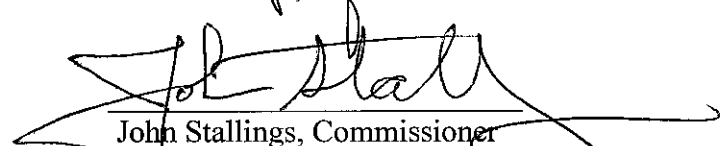
(county seal)

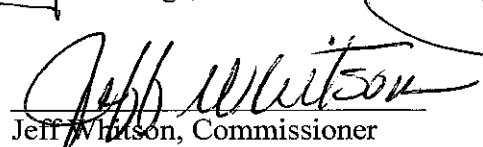


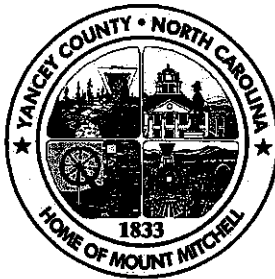

Johnny Riddle, Chairman


Jill Austin, Vice Chairman


Mark Ledford, Commissioner


John Stallings, Commissioner


Jeff Whitson, Commissioner



AGENDA
YANCEY COUNTY BOARD OF COMMISSIONERS
REGULAR BUSINESS MEETING
February 13, 2017
6:00 P.M.

- I. Call to Order – Chairman Johnny Riddle
- II. Invocation and Pledge of Allegiance to the Flag
- III. Approval of the Agenda
- IV. 4-H – Linda Semon, Yancey County Cooperative Extension
 - a. 4-H awards
 - b. Project request – Kyler Glover
- V. Public Comment
- VI. Consent Agenda
 - a. Approval of the Minutes- January 9th regular minutes and January 23rd special minutes
 - b. APPOINTMENT – Senior Tar Heel Legislator –
 - c. APPOINTMENT – AMY Regional Library Board – Beryl Carroll
 - d. Approval of 2016 Tax Collector's Settlement
 - e. December Tax Collection Report – Informational
- VII. REPORT – 2015-2016 Fiscal Year Audit – Brian Broom – Dixon, Hughes, Goodman LLP
- VIII. REPORT – AMY Regional Library – Amber Westall Briggs, AMY Regional Library Director and Jody Higgins, Yancey County Library Board Chair
- IX. UPDATE – Appalachian Voices – Rory McIlmoil, Energy Policy Director
- X. UPDATE – Voluntary Agriculture District (VAD) ordinance – Jamie McMahan, County Planner
- XI. County Manager Report – Nathan Bennett, County Manager
 - a. RESOLUTION– NCDOT – Fruit Tree Lane
 - b. General Update
- XII. County Attorney Report – Donny Laws, County Attorney
 - a. Surplus Properties
- XIII. County Commissioners Report
- XIV. Adjourn

Attachment B

YANCEY CO. COMMITTEE ON AGING, INC.
PO BOX 546
BURNSVILLE, NC 28714
828-682-6011

TO: Yancey County Commissioners

FROM: Vivian Hollifield, Director

RE: Reappointment of Senior Tar Heel Legislators

It is time once again to approve the positions of Senior Tar Heel Delegate and Alternate. Our Delegate is Daphne Griggs and our Alternate is Tom Griggs. Both are willing to retain these positions and are not opposed by our Board.

Once voted on, please send me a short note verifying their re-nominations.

Thank you for all you do for the citizens of Yancey County.

Jason Robinson

From: Amber Westall Briggs [director@amyregionallibrary.org]
Sent: Friday, January 13, 2017 1:35 PM
To: Jason Robinson
Subject: Yancey Library Board: Beryl Carroll

Hi, Jason. Hope you're well.

I have the document which states Beryl was approved for the Yancey Library Local Board, but it doesn't say her approval to the AMY Regional Board. Jody said to check with you. If you don't have that, could I put that forth to you all- to ask for approval of Beryl Carroll to the AMY Regional Library Board? Thank you so much.

By the way, I hope to give a report at the Feb meeting. Just so you have that info.

Thanks,

Amber

Amber Westall Briggs, MLS
Library Director
AMY Regional Library System
Avery, Mitchell, & Yancey Counties
(828) 682-4476
Serving the people of the beautiful Toe River Valley.

Memorandum

To: Yancey County Board of Commissioners
From: Fonda Thomas, Tax Collector
Date: February 06, 2016
Re: 2016-2017 Report of Unpaid Taxes That Are Liens on Real Property

As required by G.S. 105-369, I present the Report of Unpaid Taxes That Are Liens on Real Property of Taxes for Fiscal 2016-2017

<u>Billed</u>	<u>Net Collected</u>	<u>% Collected</u>	<u>% Uncollected</u>
\$12,693,431.49	\$11,330,699.55	89.27%	10.73%

Attachment E
YANCEY COUNTY TAX ADMINISTRATION

*alpha /
Vehicles*

End of Month Breakout
View Posted Payments in Date Range 01/01/2017 to 01/31/2017 for Vehicle

Description	Amount
Vehicle Payments	
County Vehicle Tax Payments 2016	\$797.95
County Vehicle Tax Payments 2015	\$309.16
County Vehicle Tax Payments 2014	
County Vehicle Tax Payments 2013	
County Vehicle Tax Payments 2012	
County Vehicle Tax Payments 2011	
County Vehicle Tax Payments 2010	
County Vehicle Tax Payments 2009	
County Vehicle Tax Payments 2008	
County Vehicle Tax Payments 2007	
County Vehicle Tax Payments 2006	
County Vehicle Interest	\$32.23
County Vehicle Total Payments	\$1,139.34
Burnsville VFD Vehicle Tax	\$29.53
South Toe VFD Vehicle Tax	\$8.19
Newdale VFD Vehicle Tax	\$28.51
West Yancey VFD Vehicle Tax	\$34.70
Egypt/Ramseytown VFD Vehicle Tax	
Clearmont VFD Vehicle Tax	
Double Island VFD Vehicle Tax	
Pensacola VFD Vehicle Tax	
VFD Vehicle Interest	\$3.10
VFD Vehicle Total Payments	\$104.03
Town of Burnsville Vehicle Tax	
Town of Burnsville Vehicle Interest	
Town of Burnsville Vehicle Total Payment	
State Vehicle Interest	\$16.87
Vehicle Total Payments	\$1,260.24
Vehicle BankCard Amount	\$201.11
Vehicle BankCard Fee	

02/01/2017

YANCEY COUNTY TAX ADMINISTRATION

alpha/
Vehicles

Bank Card Register for Date Range:

01/01/2017 to 01/31/2017

Bill	Name	Credit Amount	Card Fee	Total
V201500141	PENLAND, EDWARD ALEXANDER	\$8.31		\$8.31
V201500142	PENLAND, EDWARD ALEXANDER	\$24.03		\$24.03
V201500586	PENLAND, EDWARD ALEXANDER	\$7.25		\$7.25
V201500587	PENLAND, EDWARD ALEXANDER	\$50.23		\$50.23
V201500588	PENLAND, EDWARD ALEXANDER	\$20.74		\$20.74
V201500589	PENLAND, EDWARD ALEXANDER	\$48.16		\$48.16
V201600084	PENLAND, EDWARD ALEXANDER	\$42.39		\$42.39
Vehicle Total:		\$201.11		\$201.11
NonVehicle Total:				
Total:		\$201.11		\$201.11

YANCEY COUNTY TAX ADMINISTRATION

End of Month Breakout

Alpha /
Vehicle

Outstanding Balances through 01/31/2017

Description	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	Total
Balances												
County Vehicle Tax												\$69,624.49
	\$6,751.42	\$4,362.01	\$1,216.20	\$27,797.06	\$29,497.80							
TOWN OF BURNSVILLE Vehicle Tax												\$4,938.39
	\$36.00	\$12.70		\$2,130.53	\$2,759.16							
BURNSVILLE FIRE DISTRICT Vehicle Tax												\$1,430.46
	\$122.24	\$40.03	\$7.53	\$666.78	\$693.88							
CANE RIVER FIRE DISTRICT Vehicle Tax												\$445.86
	\$11.76	\$12.16	\$3.69	\$179.07	\$239.18							
EGYPT FIRE DISTRICT Vehicle Tax												\$194.36
	\$7.57	\$2.59	\$0.46	\$105.27	\$78.47							
RAMSEYTOWN FIRE DISTRICT Vehicle Tax												\$232.10
	\$3.94	\$4.53	\$0.53	\$124.30	\$98.80							
GREEN MOUNTAIN FIRE DISTRICT Vehicle Tax												\$224.07
	\$7.37	\$8.77	\$6.67	\$87.13	\$114.13							
JACKS CREEK FIRE DISTRICT Vehicle Tax												\$814.15
	\$47.16	\$63.06	\$7.31	\$359.93	\$336.69							
BRUSH CREEK FIRE DISTRICT Vehicle Tax												\$254.92
		\$3.66	\$0.36	\$116.70	\$134.20							
CRABTREE FIRE DISTRICT Vehicle Tax												\$1,833.81
	\$41.89	\$69.21	\$70.81	\$770.54	\$881.36							
SOUTH TOE FIRE DISTRICT Vehicle Tax												\$955.37
	\$11.03	\$99.80	\$11.53	\$439.88	\$393.13							
PENSACOLA FIRE DISTRICT Vehicle Tax												\$320.78
	\$67.76	\$61.74	\$1.11	\$89.51	\$110.66							

PRICES CREEK FIRE DISTRICT Vehicle Tax					\$759.07
	\$236.52	\$101.25	\$21.36	\$198.47	\$201.47
County Vehicle Interest					
	\$118.10	\$411.44	\$226.96	\$7,858.48	\$10,406.25
TOWN OF BURNSVILLE Vehicle Interest					
	\$0.99	\$1.31		\$606.62	\$969.74
BURNSVILLE FIRE DISTRICT Vehicle Interes					
	\$0.91	\$3.43	\$1.05	\$160.93	\$245.23
CANE RIVER FIRE DISTRICT Vehicle Interes					
	\$0.19	\$0.61	\$0.43	\$49.86	\$81.49
EGYPT FIRE DISTIRCT Vehicle Interest					
	\$0.01	\$0.14	\$0.01	\$29.03	\$27.51
RAMSEYTOWN FIRE DISTRICT Vehicle Interes					
	\$0.01	\$0.36	\$0.01	\$35.11	\$34.01
GREEN MOUNTAIN FIRE DISTRICT Vehicle Int					
	\$0.26	\$0.79	\$1.24	\$24.18	\$38.67
JACKS CREEK FIRE DISTRICT Vehicle Intere					
	\$1.66	\$5.71	\$1.35	\$102.23	\$121.60
BRUSH CREEK FIRE DISTRICT Vehicle Intere					
		\$0.21		\$33.04	\$45.76
CRABTREE FIRE DISTRICT Vehicle Interest					
	\$1.45	\$5.33	\$13.30	\$218.78	\$312.85
SOUTH TOE FIRE DISTRICT Vehicle Interest					
	\$0.15	\$9.85	\$1.68	\$122.96	\$138.46
PENSACOLA FIRE DISTRICT Vehicle Interest					
	\$0.66	\$4.29	\$0.25	\$24.67	\$37.84
PRICES CREEK FIRE DISTRICT Vehicle Inter					
	\$4.44	\$9.71	\$3.48	\$56.86	\$69.84
DMV Vehicle Interest					
	\$123.80	\$144.79	\$40.42	\$992.37	\$1,064.82
Totals					\$107,077.80
	\$7,597.29	\$5,429.48	\$1,637.74	\$43,280.29	\$49,133.00

	Billed to Date	% Collected
County Vehicle Tax 2016	\$10,369.02	34.89%

02/01/2017

Posting Report
01-01-2017 to 01-31-2017

02-01-2017
8:38 AM

I. Tax Collections + Releases

Year	General Fund	Burnsville	West Yancey	Egypt/Ramseytown	Clearmont	Double Island	Newdale	South Toe	Pensacola	TC
2009	\$13.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.50	\$0.00	\$0.00	\$15
2010	\$12.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.68	\$0.00	\$0.00	\$14
2011	\$543.39	\$0.00	\$0.00	\$0.00	\$0.00	\$5.40	\$1.68	\$0.00	\$0.00	\$550
2012	\$748.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.53	\$128.24	\$0.00	\$878
2013	\$1,136.46	\$103.43	\$0.00	\$0.00	\$0.00	\$0.00	\$1.39	\$0.00	\$0.00	\$1,241
2014	\$2,174.77	\$102.83	\$18.48	\$67.10	\$0.00	\$0.00	\$1.27	\$9.10	\$0.00	\$2,373
2015	\$13,301.47	\$104.15	\$102.74	\$61.95	\$191.63	\$0.00	\$62.88	\$45.33	\$0.00	\$13,870
2016	\$1,133,805.07	\$10,026.70	\$18,470.64	\$9,126.89	\$6,560.50	\$3,628.05	\$16,537.99	\$14,038.25	\$21,072.75	\$1,233,266
TOTAL	\$1,151,736.09	\$10,337.11	\$18,591.86	\$9,255.94	\$6,752.13	\$3,633.45	\$16,609.92	\$14,220.92	\$21,072.75	\$1,252,210

II. Releases

	Current Year	Prior Year	TOTAL
General Fund	\$563.18	\$640.63	\$1,203.81
Burnsville	\$0.51	\$0.00	\$0.51
West Yancey	\$0.58	\$1.38	\$1.96
Egypt/Ramseytown	\$6.80	\$57.90	\$64.70
Clearmont	\$35.90	\$0.00	\$35.90
Double Island	\$0.00	\$0.00	\$0.00
Newdale	\$1.15	\$10.20	\$11.35
South Toe	\$2.64	\$0.00	\$2.64
Pensacola	\$0.00	\$0.00	\$0.00
TOTAL	\$610.76	\$710.11	\$1,320.87

III. Net Tax Collections

Year	General Fund	Burnsville	West Yancey	Egypt/Ramseytown	Clearmont	Double Island	Newdale	South Toe	Pensacola	TC
TOTAL	\$1,150,532.28	\$10,336.60	\$18,589.90	\$9,191.24	\$6,716.23	\$3,633.45	\$16,598.57	\$14,218.28	\$21,072.75	\$1,250,889

Transaction Type Report

01-01-2017 to 01-31-2017

Year	General	Fire	Late	Waste	Additional Fees	Principal	Interest	Advertising Cost	Legal Cost	Total
2011	\$530.79	\$5.40	\$0.00	\$0.00	\$0.00	\$536.19	\$114.09	\$0.00	\$0.00	\$650.28
2012	\$737.35	\$128.24	\$0.00	\$0.00	\$0.00	\$865.59	\$832.45	\$12.00	\$208.46	\$1,918.50
2013	\$1,124.86	\$103.43	\$0.00	\$0.00	\$0.00	\$1,228.29	\$340.36	\$6.00	\$0.00	\$1,574.65
2014	\$1,667.72	\$144.29	\$0.56	\$0.00	\$0.00	\$1,812.57	\$343.57	\$20.00	\$0.00	\$2,176.14
2015	\$13,229.67	\$561.47	\$3.08	\$0.00	\$0.00	\$13,794.22	\$941.14	\$68.00	\$4,107.76	\$18,911.12
2016	\$1,133,213.28	\$99,411.05	\$152.16	\$0.00	\$0.00	\$1,232,776.49	\$4,754.77	\$0.00	\$0.00	\$1,237,531.26
TOTAL	\$1,150,503.67	\$100,353.88	\$155.80	\$0.00	\$0.00	\$1,251,013.35	\$7,326.38	\$106.00	\$4,316.22	\$1,262,761.95

Adjustment / Release Report

01-01-2017 to 01-31-2017

Year	General	Late	Waste	Additional Fees	Principal	Interest	Advertising Cost	Legal Cost	Fire	Amount Due	County Net
2009	\$13.50	\$0.00	\$0.00	\$0.00	\$13.50	\$9.54	\$0.00	\$0.00	\$1.50	\$24.54	\$23.04
2010	\$12.60	\$0.00	\$0.00	\$0.00	\$12.60	\$8.21	\$0.00	\$0.00	\$1.68	\$22.49	\$20.81
2011	\$12.60	\$0.00	\$0.00	\$0.00	\$12.60	\$6.89	\$0.00	\$-581.00	\$1.68	\$-559.83	\$-561.51
2012	\$11.48	\$0.00	\$0.00	\$0.00	\$11.48	\$5.06	\$0.00	\$-437.67	\$1.53	\$-419.60	\$-421.13
2013	\$11.60	\$0.00	\$0.00	\$0.00	\$11.60	\$3.86	\$0.00	\$-64.00	\$1.39	\$-47.15	\$-48.54
2014	\$507.05	\$245.90	\$0.00	\$0.00	\$752.95	\$316.04	\$4.00	\$614.81	\$54.49	\$1,742.29	\$1,687.80
2015	\$71.80	\$1.08	\$0.00	\$0.00	\$72.88	\$9.23	\$4.00	\$-2,335.23	\$7.21	\$-2,241.91	\$-2,249.12
2016	\$563.18	\$1.27	\$0.00	\$0.00	\$564.45	\$5,626.65	\$0.00	\$-2,018.91	\$47.58	\$4,219.77	\$4,172.19
TOTAL	\$1,203.81	\$248.25	\$0.00	\$0.00	\$1,452.06	\$5,985.48	\$8.00	\$-4,822.00	\$117.06	\$2,740.60	\$2,623.54

Collections Receipts Report
01-01-2017 to 01-31-2017

Total general tax	\$1,150,532.28
Total fire tax	\$100,357.02
Total late tax	\$155.80
Total Waste Fees	\$0.00
Total Additional Fees	\$0.00
Total principal	\$1,251,045.10
Total interest	\$7,326.38
Total cost of advertising	\$106.00
Total legal	\$4,316.22
Total check overpayments	\$106.24
Total Prepaid Payments	\$7,531.97
Total Prepaid Applied	\$-31.75
Total misc	\$19,355.06
Grand total receipts	\$1,270,400.16

District Payment Report

01-01-2017 to 01-31-2017

Year	District Code	District Name	Amount
2011	001	BURNSVILLE FIRE DISTRICT	\$0.00
2011	007	BRUSH CREEK FIRE DISTRICT	\$5.40
2011	009	SOUTH TOE FIRE DISTRICT	\$0.00
2012	009	SOUTH TOE FIRE DISTRICT	\$128.24
2013	001	BURNSVILLE FIRE DISTRICT	\$103.43
2014	001	BURNSVILLE FIRE DISTRICT	\$102.83
2014	002	CANE RIVER FIRE DISTRICT	\$17.76
2014	003	EGYPT FIRE DISTRICT	\$14.60
2014	006	JACKS CREEK FIRE DISTRICT	\$0.00
2014	008	CRABTREE FIRE DISTRICT	\$0.00
2014	009	SOUTH TOE FIRE DISTRICT	\$9.10
2015	001	BURNSVILLE FIRE DISTRICT	\$104.15
2015	002	CANE RIVER FIRE DISTRICT	\$102.08
2015	003	EGYPT FIRE DISTRICT	\$56.55
2015	004	RAMSEYTOWN FIRE DISTRICT	\$0.00
2015	005	GREEN MOUNTAIN FIRE DISTRICT	\$142.15
2015	006	JACKS CREEK FIRE DISTRICT	\$49.48
2015	008	CRABTREE FIRE DISTRICT	\$61.73
2015	009	SOUTH TOE FIRE DISTRICT	\$45.33
2015	010	PENSACOLA FIRE DISTRICT	\$0.00
2015	011	PRICES CREEK FIRE DISTRICT	\$0.00
2016	001	BURNSVILLE FIRE DISTRICT	\$10,026.19
2016	002	CANE RIVER FIRE DISTRICT	\$8,558.47
2016	003	EGYPT FIRE DISTRICT	\$6,877.17
2016	004	RAMSEYTOWN FIRE DISTRICT	\$2,242.92
2016	005	GREEN MOUNTAIN FIRE DISTRICT	\$3,747.48
2016	006	JACKS CREEK FIRE DISTRICT	\$2,777.12
2016	007	BRUSH CREEK FIRE DISTRICT	\$3,628.05
2016	008	CRABTREE FIRE DISTRICT	\$16,536.84
2016	009	SOUTH TOE FIRE DISTRICT	\$14,032.47
2016	010	PENSACOLA FIRE DISTRICT	\$21,072.75
2016	011	PRICES CREEK FIRE DISTRICT	\$9,911.59
TOTAL			\$100,353.88

Outstanding Balances Report

As of 01-31-2017

Year	Amount	County	District	Interest	Advertising	Penalties	Waste	Additional Fees
2006	\$16,696.48	\$7,638.64	\$720.49	\$7,957.24	\$94.50	\$285.61	\$0.00	\$0.00
2007	\$13,576.66	\$6,360.97	\$591.01	\$6,138.84	\$91.00	\$394.84	\$0.00	\$0.00
2008	\$16,268.51	\$8,312.47	\$790.02	\$6,884.62	\$108.00	\$173.40	\$0.00	\$0.00
2009	\$15,443.16	\$8,722.81	\$739.33	\$5,853.02	\$128.00	\$0.00	\$0.00	\$0.00
2010	\$21,377.42	\$12,415.33	\$1,337.48	\$7,448.61	\$176.00	\$0.00	\$0.00	\$0.00
2011	\$31,737.14	\$16,512.42	\$1,715.72	\$9,432.00	\$188.00	\$17.85	\$0.00	\$0.00
2012	\$44,339.92	\$22,507.35	\$2,409.97	\$11,230.81	\$248.00	\$285.09	\$0.00	\$0.00
2013	\$58,333.72	\$39,078.25	\$3,800.30	\$12,789.52	\$498.00	\$0.00	\$0.00	\$0.00
2014	\$95,419.19	\$63,401.06	\$6,070.18	\$14,671.61	\$568.00	\$561.04	\$0.00	\$0.00
2015	\$187,052.08	\$134,309.19	\$11,522.05	\$14,798.39	\$1,273.62	\$1,643.16	\$0.00	\$0.00
2016	\$1,534,884.96	\$1,395,854.01	\$104,615.91	\$31,148.14	\$0.00	\$1,243.99	\$0.00	\$4.00
Total	\$2,035,129.24	\$1,715,112.50	\$134,312.46	\$128,352.80	\$3,373.12	\$4,604.98	\$0.00	\$4.00

Yancey County Tax Office

County/District Collection Percentage Report
As of: 01-31-2017

Run Date: 02-01-2017

2016
County

Net Levy \$	Collections \$	Collections %
12,693,431.49	11,297,577.48	89.01

Districts

Name	Net Levy \$	Collections \$	Collections %
001 - BURNSVILLE FIRE DISTRICT	154,313.89	139,912.08	90.67
002 - CANE RIVER FIRE DISTRICT	71,310.44	64,965.51	91.11
003 - EGYPT FIRE DISTRICT	76,814.80	70,919.61	92.33
004 - RAMSEYTOWN FIRE DISTRICT	25,255.90	20,916.07	82.82
005 - GREEN MOUNTAIN FIRE DISTRICT	29,301.94	25,532.27	87.14
006 - JACKS CREEK FIRE DISTRICT	64,862.03	57,617.83	88.84
007 - BRUSH CREEK FIRE DISTRICT	40,591.97	35,770.03	88.13
008 - CRABTREE FIRE DISTRICT	147,945.26	130,420.41	88.16
009 - SOUTH TOE FIRE DISTRICT	194,098.09	172,350.36	88.90
010 - PENSACOLA FIRE DISTRICT	77,660.06	72,800.97	93.75
011 - PRICES CREEK FIRE DISTRICT	156,343.28	142,476.61	91.14

District Totals

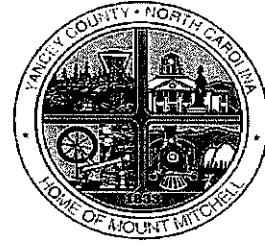
Net Levy \$	Collections \$	Collections %
1,038,497.66	933,881.75	89.93

Attachment H



YANCEY COUNTY PUBLIC LIBRARY

Serving the People
of Beautiful Yancey County
Burnsville, NC 28714
828.682.2600
ycpl@amyregional.org
www.amyregionallibrary.org



February 13, 2017

To: Yancey County Board of Commissioners

Subject: Yancey County Public Library Report July 2016-February 2017

Respectfully submitted by AMY Regional Director Amber Westall Briggs

- Yancey County Public Library consistently serves the public with FREE services, such as book borrowing, Wi-Fi, access to a state-of-the-art computer lab, printing/copying/faxing services, community rooms with projectors, all while readily available, competent librarian staff are available for questions, assistance and feedback. Special rates for some services are made available to military service veterans and personnel.
- Regional Library services are also available to Yancey County citizens throughout the year.

Bookmobile Librarian/Outreach Librarian, Sylvia Archer, visits homes of those who cannot, for various reasons, visit the physical library location, and she visits afterschool programs at both middle schools, preschools and Head Start facilities, Mountain Village Apartments, elementary schools, adult living facilities, and the Yancey Senior Center.

The Children's Librarian holds weekly Storytime programs for local preschools as well as a Storytime for the general public.

All material acquisition, cataloging services, and office assistance are provided through the Regional Library Office.

- Reaching all Yancey County Citizens is the cornerstone of library programs and services, which is why we develop partnerships with local organizations such as the Blue Ridge Partnership, who offers Play and Learn Programs at all AMY Regional Libraries, and our partnership with the Yancey Senior Center, whose iPad classes and iPads for seniors we funded through an LSTA grant from the State Library. We also provide materials for seniors to apply for services through the NC Library for the Blind and Physically Handicapped.
- All AMY Regional Staff participated in a team building and staff development workshop. We also celebrated the 75th birthday of Special Collections Librarian and Regional Historian James Byrd, who has been a tremendous asset to our community and our libraries.

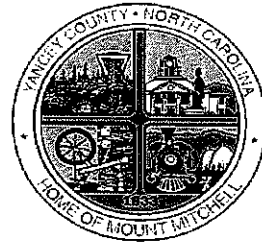
A Proud Member of the AMY Regional Library

Avery County Morrison Library	Mitchell County Public Library	Yancey County Public Library	Spruce Pine Public Library
150 Library Place	18 North Mitchell Avenue	18 Town Square	42 Walnut Avenue
Newland, NC 28657	Bakersville, NC 28705	Burnsville, NC 28714	Spruce Pine, NC 28777
828.733.9393	828.688.2511	828.682.2600	828.765.4673



YANCEY COUNTY PUBLIC LIBRARY

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- This past summer, Karen Dobrogosz, the Children's Librarian, conducted a summer reading program during July and August, entitled "On Your Mark, Get Set, Read!..." in which children met weekly at the Library to participate in a reading challenge as well as projects related to fitness, gaming, and staying healthy. After the program for that week, the "Lunch Bunch," consisting of kids who participate, joined Ms. Karen for a read aloud of Roald Dahl's *The BFG* while eating lunch together under the library oaks. The summer reading program is an essential service the Library provides to area youth to help them retain and enhance reading skills during the summer months when students are not in school. This program also partnered with Graham Children's Sizzlin' Summer Series.
- The Regional Library System, after heavily researching eBook providers, was able to purchase access to the E-INC eBook Consortium through the State Library. This Consortium is available through the eBook platform Overdrive. The public at Yancey Library has been thrilled with the numerous eBook choices available through Overdrive, and every patron with an updated library card has access to this online library. In addition, all public school children who participate in the 1:1 Initiative have access to the Overdrive application through chrome books or MacBooks.
- The NC Public Library Directors Association, of which the AMY Director is a member, and the State Library received \$200,000 from the General Assembly to create a state-wide-eBook consortium that will offer content specifically targeted to children from pre-K through 4th grade. The soft launch of this new resource was Feb 1, 2017. Libraries who have the eBook platform Overdrive have immediate access, and AMY Regional Library does. We are very excited to offer this resource to the children of Yancey County.
- Yancey County Library, under the direction of the Head Librarian Melanie Stallings and Assistant Librarian Meredith Childress, has the most successful volunteer program in the library system. Because of these volunteers and avid library goers, Yancey Library is an active, community responsive library. The Yancey Friends of the Library this past year opened The Yancey Friends Bookstore Annex, and the funds received through this endeavor go back to Yancey Library. The library has partnered with numerous community agencies and organizations throughout the 2016-2017 year, developing programs such as the Seed Exchange Library, Teen Makerspaces, STEAM Afterschool Programming for middle/elementary age school children in the MAGIC program, The NC Pulitzer Initiative Programming, and The Carolina Mountains Literary Festival held annually in September to name several.

A Proud Member of the AMY Regional Library

Avery County Morrison Library	Mitchell County Public Library	Yancey County Public Library	Spruce Pine Public Library
150 Library Place	18 North Mitchell Avenue	18 Town Square	42 Walnut Avenue
Newland, NC 28657	Bakersville, NC 28705	Burnsville, NC 28714	Spruce Pine, NC 28777
828.733.9393	828.688.2511	828.682.2600	828.765.4673

Board of Commissioners

Johnny Riddle, Chair
Jill Austin, Vice-Chair
Mark Ledford
John Stallings
Jeff Whitson



Nathan R. Bennett
County Manager

Donny J. Laws
County Attorney

J. Jason Robinson
Clerk to the Board

110 Town Square
Courthouse Room 11
Burnsville, NC 28714
828-682-3971
828-682-4301 Fax

Resolution No. 2017-02

RESOLUTION

***SUPPORTING THE ADOPTION OF
A VOLUNTARY TARIFFED ON-BILL ENERGY EFFICIENCY FINANCE PROGRAM BY
FRENCH BROAD ELECTRIC MEMBERSHIP CORPORATION***

WHEREAS, nearly the entirety of Yancey County lies within the French Broad Electric Membership Corp. (EMC) service area and accounts for one-third of all properties receiving electric service from French Broad EMC;

WHEREAS, according to the 2010-2014 U.S. Census, 77 percent of the occupied housing stock of Yancey County is more than 25 years old, accounting for more than 5,700 housing units, of which 1,280 are renter-occupied properties; and

WHEREAS, nearly one in every six households located in Yancey County live in poverty, and the area median income is 20 percent lower than the state average; and, a study conducted by *Accounting Insights* found that county residents living below 50 percent of the poverty spent an average of 44 percent of their household income on energy costs in 2015; and

WHEREAS, the large majority of residents in Yancey County who need and/or could benefit from home energy efficiency improvements cannot afford to make the needed improvements, do not qualify for traditional financing, and/or do not own the property they live in; and

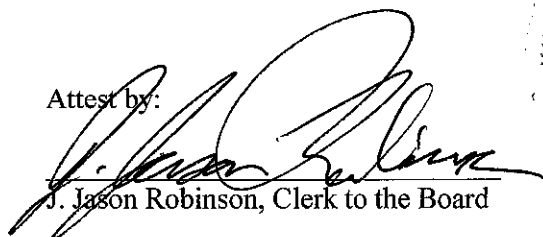
WHEREAS, a voluntary tariffed on-bill energy efficiency finance program would offer all Yancey County residents, regardless of income level, credit score or whether they own the property they occupy, the option to finance needed home energy improvements “debt-free” while benefitting from lower annual energy costs and a more comfortable home; and

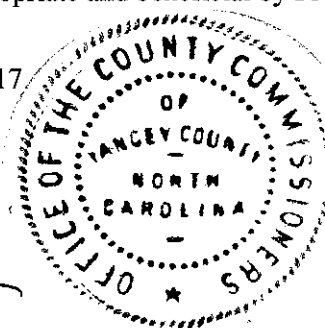
WHEREAS, achieving even a modest level of investment through a voluntary utility on-bill energy efficiency finance program over the next ten years, resulting in the retrofit and improvement of 1,100 homes, could generate an average annual investment of \$800,000, create as many as twenty total jobs and ten direct jobs for local contractors and retailers, and save Yancey County residents a total of as much as \$225,000 on energy costs each year.

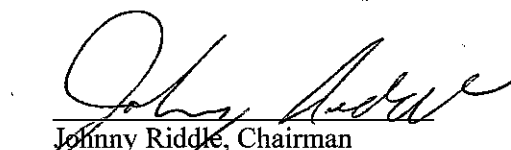
NOW, THEREFORE, BE IT HEREBY RESOLVED that the Yancey County Board of Commissioners support the concept of a comprehensive, voluntary tariffed on-bill energy efficiency finance program as may be deemed appropriate and beneficial by French Broad Electric Membership Corporation.

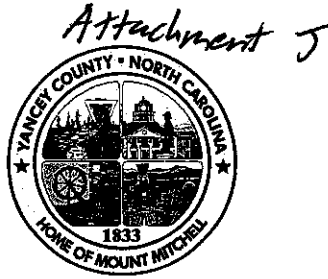
ADOPTED this 13th day of February 2017

Attest by:


J. Jason Robinson, Clerk to the Board




Johnny Riddle, Chairman



Board of Commissioners

Johnny Riddle, Chair
Jill Austin, Vice-Chair
Mark Ledford
John Stallings
Jeff Whitson

Nathan R. Bennett
County Manager

Donny J. Laws
County Attorney

J. Jason Robinson
Clerk to the Board

110 Town Square
Courthouse Room 11
Burnsville, NC 28714
828-682-3971
828-682-4301 Fax

**YANCEY COUNTY
VOLUNTARY AGRICULTURAL DISTRICT &
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I
TITLE**

An ordinance of the Board of County Commissioners of **YANCEY COUNTY, NORTH CAROLINA**, entitled, "**VOLUNTARY AGRICULTURAL DISTRICT & ENHANCED VOLUNTARY DISTRICT ORDINANCE**" or the "**YANCEY COUNTY FARMLAND PRESERVATION PROGRAM ACT**"

**ARTICLE II
AUTHORITY**

The articles and sections of this Ordinance are adopted pursuant to authority conferred by the North Carolina General Statutes sections 106-735 through 106-744 and Chapter 153A.

**ARTICLE III
PURPOSE**

The purpose of this Ordinance is to promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; and increase protection from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV
DEFINITIONS**

The following are defined for purposes of this Ordinance:

Advisory Board: The Yancey County Agricultural Advisory Board.

Chairperson: Chairperson of the Yancey County Agricultural Advisory

Board District: Voluntary Agricultural District as established by this ordinance.

Enhanced District: Enhanced Voluntary Agricultural District as established by this ordinance.

Board of Commissioners: The Yancey County Board of Commissioners.

ARTICLE V
AGRICULTURAL ADVISORY BOARD

A. Creation

The Board of Commissioners shall establish an Agricultural Advisory Board to implement the provisions of this program.

B. Membership

The Advisory Board shall consist of no less than nine members appointed by the Board of Commissioners.

C. Membership Requirements

1. Each Advisory Board member, except those serving in an *ex officio* capacity, shall be a Yancey County resident or Yancey County landowner.
2. At least eight of the members shall be actively engaged in farming, horticulture and/or forestry. Of the members actively engaged in farming, horticulture and/or forestry there shall be at least one such member from each agricultural district or enhanced agricultural district in Yancey County. This determination shall be made without reference to *ex officio* members.
3. The members actively engaged in farming, horticulture and/or forestry as well as other members, shall be selected for appointment by the Board of Commissioners.
4. Additional members may be appointed to the Board in an *ex officio* capacity as deemed necessary by the Board of Commissioners. Members serving in an *ex officio* capacity shall neither vote nor count toward quorum requirements.

D. Tenure

The initial board is to consist of three appointees for terms of one year; three appointees for terms of two years; and three appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment permitted.

E. Vacancies

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.

F. Removal

Any member of the Advisory Board may be removed by the Board of Commissioners upon a majority vote of the Commissioners. No cause for removal shall be required.

G. Funding

The *per diem* compensation, if any, of the members of the Advisory Board may be fixed by the Board of Commissioners and funds may be appropriated to the Advisory Board to perform its duties.

H. Advisory Board Procedure

1. Chairperson

The Advisory Board shall elect a chairperson and vice-chairperson each year at its first meeting of the

fiscal year. The chairperson shall preside over all regular or special meetings of the Advisory Board.

In the absence or disability of the chairperson, the vice-chairperson shall preside and shall exercise all the powers of the chairperson. Additional officers may be elected as needed.

2. Determination of Procedure

The Advisory Board may adopt rules of procedure not inconsistent with this Ordinance or with other provisions of State law.

3. Advisory Board Year

The Advisory Board shall use the Yancey County fiscal year as its meeting year.

4. Meetings

Meetings of the Advisory Board shall be held at the call of the chairperson and at such other times as the Advisory Board may specify in its rules of procedure or upon the request of at least a majority of the Advisory Board Membership. A meeting shall be held at least annually and notice of any meetings to the members shall be in writing, unless otherwise agreed to by all Advisory Board members. Meeting dates and times shall be posted as far in advance as possible on the door of the meeting site and by advertisement in local newspapers or by other means of public dissemination of the meeting dates as may be agreed upon by at least a majority of the Advisory Board Membership. All meetings shall be open to the public.

5. Majority Vote and Quorum Requirements

All issues shall be decided by a majority vote of the members of the Advisory Board present, except as otherwise stated herein. A quorum is defined as at least two-thirds of the members in attendance. No business may be conducted by the Advisory Board without a quorum present.

6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board, or its designee, and shall be a public record.

7. Administrative

The Advisory Board may contract with the North Carolina Cooperative Extension, Yancey County Cooperative Center's office to serve the Board for record keeping, correspondence, application procedures under this, and whatever services the Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review and approve or disapprove applications of landowners for enrollment qualified farmland, horticultural land, or forestland in either voluntary agricultural districts or enhanced voluntary agricultural districts;
2. Make recommendations concerning the establishment and modification of agricultural districts;

3. Conduct public hearings;
4. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy and agricultural, horticultural or forestry activities within the county that will affect agricultural districts;
5. Review and make recommendations concerning proposed amendments to this Ordinance;
6. Develop a draft countywide farmland protection plan as defined in N.C.G.S. §106-744 (e) for presentation to the Board of Commissioners;
7. Study additional methods of protection for farming, horticulture, forestry, and the attendant land base, and make recommendations to the Board of Commissioners; and
8. Perform other agricultural, horticultural, and forestry-related tasks or duties assigned by the Board of Commissioners.

**ARTICLE VI
CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS
AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS**

A. Regions

Yancey County is hereby divided into eight regions as defined below:

1. Burnsville District
2. West Yancey District
3. Double Island District
4. Pensacola District
5. South Toe District
6. Egypt-Ramseytown District
7. Newdale District
8. Clearmont District

The geographical and jurisdictional boundaries of the foregoing eight regions shall coincide with the geographical and jurisdictional boundaries of the Yancey County Fire Service Districts as shown and delineated on the attached map incorporated herein as Addendum "A" as if set forth fully herein.

B. Implementation

In order to implement the purposes stated in Article III, this program provides for the creation of voluntary agricultural districts which meet the following standards:

1. The District or Enhanced District shall contain a minimum of 5 horticulture, 10 agriculture, or 20 forestry contiguous acres of qualified farmland; or
2. The District or Enhanced District shall contain one or more qualified farms within areas designated by the Advisory Board.

All land enrolled in a region, defined in section A, above, shall be part of a single district, whether enrolled in the District or the Enhanced District. If a single farm has acreage in two or more regions, the farm shall participate in the district where the largest acreage is found. All land in a region as defined in section A, above, shall be treated as a single district whether enrolled in the District or the Enhanced District.

C. Education

The county may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and Enhanced Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the agricultural district program.

D. Addition and Withdrawal

1. Qualifying farmland in a region with an existing district shall be added to the district as herein provided.
2. In the event that one or more participants in the District or Enhanced District withdraw and the acreage in the District or Enhanced District becomes less than the minimum acreage required or results in the remaining land being noncontiguous, a District or Enhanced District will continue to exist so long as there is one qualifying farm.

**ARTICLE VII
CERTIFICATION AND QUALIFICATION OF FARMLAND**

Requirements

To secure county certification as qualifying farmland in either a Voluntary Agricultural District or Enhanced Voluntary Agricultural District, a farm must:

1. Be real property that is engaged in agriculture as defined in N.C.G.S. §106-581.1.
2. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and
3. Be the subject of a conservation agreement, as defined in N.C.G.S. §121-35, between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations.
4. Be located in the unincorporated area of Yancey County.

**ARTICLE VIII
APPLICATION, APPROVAL, AND APPEAL PROCEDURE**

A. Application Procedure

1. A landowner may apply to participate in either the Agricultural District or the Enhanced Agricultural District program by making application to the chairperson of the Advisory Board or a designated staff person, and must designate the application as for either Voluntary Agricultural District status or Enhanced District status. The application shall be on forms provided by the Advisory Board. The

application to participate in a district may be filed with the application for certification of qualifying farmland.

2. A conservation agreement (required by N.C.G.S. §106-737 and defined in N.C.G.S. §121-35) suited to district type (Voluntary Agricultural District or Enhanced Voluntary Agricultural District) designated by the landowner to sustain, encourage, and promote agriculture must be executed by the landowner and filed with the Advisory Board, which shall then record the conservation easement with the Yancey County Registrar of Deeds. Permitted uses include agriculture, horticulture, and forestry. Conservation agreements for the Enhanced Agricultural District program may, at the election of the parties, include provisions requiring that any disputes between the county and the landowner be resolved through arbitration or mediation, and, in the event of litigation, that the prevailing party be awarded costs, including reasonable attorney fees. The Conservation Agreement for the Enhanced Voluntary Agricultural District shall be binding upon all successors in interest to the landowner, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the Conservation Agreement.

B. Approval Process

1. Upon submission of the application to the Advisory Board, the Advisory Board shall meet within ninety (90) days to approve or disapprove the application. The chairperson shall notify the applicant by first class mail of approval or disapproval of participation in the district.
2. Upon receipt of an application, the chairperson will forward copies immediately to the following offices which shall be asked to provide comments, if any, to the Advisory Board prior to the date set for the Advisory Board vote on the application:
 - a. The Yancey County tax assessor;
 - b. The Yancey County Soil and Water Conservation District office;
 - c. The N.C. Cooperative Extension, Yancey County Center: and
 - d. The Natural Resources Conservation Service.

C. Appeal

If an application is denied by the Advisory Board, the landowner may, within ten (10) days of notification of disapproval of the application, request in writing that the Advisory Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

ARTICLE IX

REVOCATION, ENFORCEMENT AND RENEWAL OF CONSERVATION AGREEMENTS

A. Revocation and Enforcement

1. District. By providing 30 days advance written notice to the Advisory Board, a landowner of qualifying farmland within a Voluntary Agricultural District may revoke the Conservation Agreement or the Advisory Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any Conservation Agreement prior to its expiration. If the Advisory

Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). Transfers of land in a Voluntary Agricultural District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies for the present-use-value taxation program or, in the event that there are water or sewer assessments held in abeyance, the new owner(s) fails to agree in writing to accept liability for those assessments in the event that the land is withdrawn either voluntarily or involuntarily from the district. Enforcement of the terms of a Conservation Agreement for land enrolled in a Voluntary Agricultural District shall be limited to revocation of the Conservation Agreement and the benefits derived therefrom.

2. Enhanced District. Conservation Agreements for land within Enhanced Districts are IRREVOCABLE for a period of 10 years. Enforcement of the terms of the Conservation Agreement may be through an action for injunctive relief and/or damages in any court of competent jurisdiction. The County may also terminate any benefits to the owner under this program either permanently or during the period of violation, as appropriate. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). The right to terminate program benefits is in addition to any legal rights that the County may have under either this Ordinance or the terms of the applicable Conservation Agreement. The County may seek costs of the action including reasonable attorney fees if such a provision is incorporated into the Conservation Agreement.

B. Renewal

1. District. Conservation Agreements for land within a Voluntary Agricultural District shall be automatically renewed for a period of 10 years unless the landowner provides 30 day written notice to the Advisory Board of intent not to renew. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall fail to renew any Conservation Agreement unless this Ordinance or its authorizing legislation has been repealed.
2. Enhanced District. A Conservation Agreement for the Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of 3 years, unless either the Advisory Board or the landowner provides 30 day written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each 3 year term the Conservation Agreement shall automatically renew for an additional 3 year term unless notice of termination is given.

**ARTICLE X
ADDITIONAL ENHANCED AGRICULTURAL DISTRICT BENEFITS**

Land enrolled in the Enhanced Voluntary Agricultural District program is entitled to all of the benefits available under the Voluntary Agricultural District program, and to the following additional benefits:

A. Sale of Non-farm Products

Landowners participating in Enhanced Districts may receive up to twenty-five percent of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from county zoning regulations under N.C.G.S. §153A-340(b). A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed twenty-five percent of its gross sales. A county may adopt an ordinance pursuant to this section that sets forth the standards necessary for proof of compliance.

B. Agricultural Cost Share Program

Landowners participating in Enhanced Districts are eligible under N.C.G.S. §143-215.74(b) to receive the

higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes for funds to benefit that farmland.

C. Priority Consideration

State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.

**ARTICLE XI
PUBLIC HEARINGS**

A. Purpose

Pursuant to N.C.G.S. §106-740, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

B. Procedure

1. Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in the appropriate newspapers and/or media of Yancey County within flat seven (7) days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten (10) days of receipt of the request.
2. The Advisory Board shall meet to review:
 - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
 - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
4. Within seven (7) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. §106-740, the Board of Commissioners shall not permit any formal initiation of

condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

ARTICLE XII NOTIFICATION

A. Signage

Signs identifying approved agricultural districts shall be placed along the rights-of-way of major roads that pass through or next to those districts as may be deemed appropriate by the Advisory Board, or its administrative agent for the county's agricultural district program. There shall also be signage posted at the farm gate of each qualifying farm. Placement of signage shall be coordinated with the North Carolina Department of Transportation.

B. Maps

Maps identifying approved agricultural districts shall be provided to the following agencies or offices:

1. Planning Department
2. Register of Deeds;
3. The Natural Resources Conservation Service;
4. The NC Cooperative Extension, Yancey County Center;
5. The Yancey County Soil and Water Conservation District; and
6. Any other such agency or office the Advisory Board deems appropriate, including maps denoting the location of agricultural districts within the Yancey County planning jurisdiction.

ARTICLE XII1 SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW

Developers of major subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Districts within 3 aerial mile(s) of the proposed development.

ARTICLE XIV COUNTY LAND-USE PLANNING

A. Duty of the Advisory Board

It shall be the duty of the Advisory Board to advise the Board of Commissioners or the agency or office to which the Board of Commissioners delegate authority to oversee county land use planning, on the status, progress, and activities of the county's agricultural district program and to also coordinate the formation and maintenance of agricultural districts with the county's land use planning activities and the county's land use plan if one currently exists at the time this is enacted or when one is formed.

B. Posting of Notice

The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, and any other office or agency the Advisory Board deems necessary:

Yancey County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural, horticultural, agri-tourism, and forestry activities, including but not limited to

pesticide spraying, manure spreading, machinery and truck operation, livestock operations, sawing, and other common farming activities may occur in these districts any time during the day or night. Maps and information on the location and establishment of these districts, and participating farms located within these districts, can be obtained from the North Carolina Cooperative Extension Service office, the office of the Register of Deeds, the County Planning office, or the Natural Resources Conservation Service office.

C. Growth Corridors

At such time as the county might establish designated growth corridors, agricultural districts shall not be permitted in the designated growth corridors, as delineated on the official county planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

**ARTICLE XV
CONSULTATION AUTHORITY**

The Advisory Board may consult with North Carolina Cooperative Extension, the Yancey County Soil and Water Conservation Service, the Natural Resources Conservation Service, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XVI
NORTH CAROLINA AGENCY NOTIFICATION**

Annually Report to the North Carolina Department of Agriculture and Consumer Services

A copy of this shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of North Carolina Cooperative Extension, and the Soil and Water Conservation District office after adoption. At least annually the county shall submit a written report to the Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

1. Number of landowners enrolled;
2. Number of acres enrolled;
3. Number of acres certified during the reporting period;
4. Number of acres denied during the reporting period;
5. Number of acres for which applications are pending;
6. Copies of any amendments to this Ordinance; and
7. Any other information the Advisory Board deems useful.

**ARTICLE XVII
LEGAL PROVISIONS**

A. Severability

If any article, section, subsection, clause, phrase, or portion of this is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

B. Conflict with other ordinances and statutes

Whenever the provisions of this Ordinance conflict with other ordinances of Yancey County, this Ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this Ordinance, the provisions of such statute shall govern. This Ordinance may be amended from time to time by the Board of Commissioners upon reasonable advanced notice and review by the Agriculture Advisory Board.

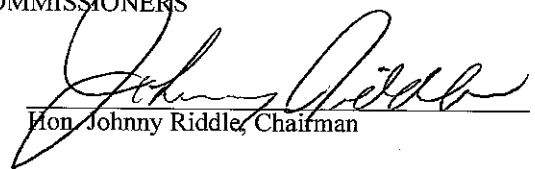
**ARTICLE XVIII
ENACTMENT**

The Yancey County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

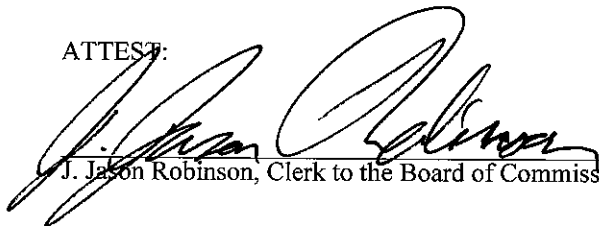
Adopted this the 13th day of February 2017.

Motion for adoption by Commissioner Stallings and seconded by Commissioner Ledford.

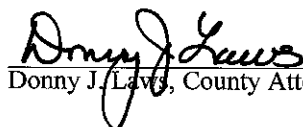
YANCEY COUNTY BOARD OF
COMMISSIONERS

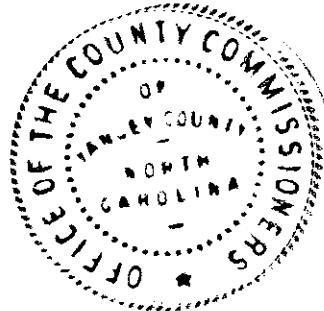

Hon. Johnny Riddle, Chairman

ATTEST:


J. Jason Robinson, Clerk to the Board of Commissioners

Approved as to form:


Donny J. Laws, County Attorney



Board of Commissioners

Johnny Riddle, Chair
Jill Austin, Vice-Chair
Mark Ledford
John Stallings
Jeff Whitson



110 Town Square
Courthouse, Room 11
Burnsville, NC 28714
828-682-3971
828-682-4301 Fax

Nathan R. Bennett
County Manager

Donny J. Laws
County Attorney

J. Jason Robinson
Clerk to the Board

Resolution No. 2017-04

RESOLUTION

**North Carolina Department of Transportation - Division of Highways
Request for Addition to State Maintained Secondary Road System**

Road Description: Fruit Tree Lane, Crabtree Township, Burnsville, NC

WHEREAS, the Board of County Commissioners for the County of Yancey has been requested that the above described road, the location of which has been indicated on the attached map, be added to the State Secondary Road System; and

WHEREAS, this road provides sole access to numerous permanent residential homes; and

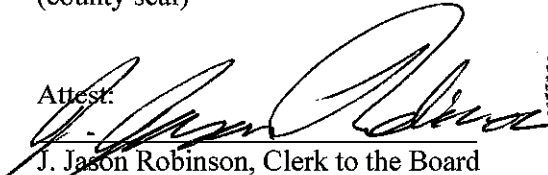
WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the State Secondary Road System maintained by the N.C. Department of Transportation, Division of Highways.

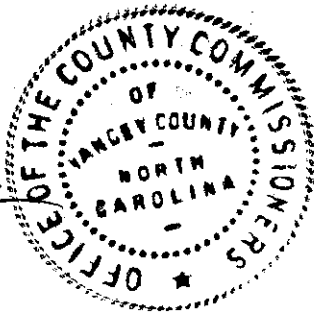
NOW, THEREFORE, BE IT RESOLVED by the Yancey County Board of County Commissioners that the Division of Highways is hereby requested to review the above described road and assume the road for maintenance and paving as appropriate.

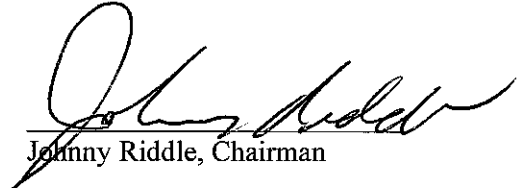
ADOPTED this 13th day of February, 2017.

(county seal)

Attest:


J. Jason Robinson, Clerk to the Board




Johnny Riddle, Chairman

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Yancey at a meeting on the 13th day of February 2017.

WITNESS my hand and official seal this 13th day of February, 2017.

J. Jason Robinson, Clerk to the Board

Board of Commissioners

Johnny Riddle, Chair
Jill Austin, Vice-Chair
Mark Ledford
John Stallings
Jeff Whitson



110 Town Square
Courthouse, Room 11
Burnsville, NC 28714
828-682-3971
828-682-4301 Fax

Nathan R. Bennett
County Manager

Donny J. Laws
County Attorney

J. Jason Robinson
Clerk to the Board

RESOLUTION

**AUTHORIZING THE DISPOSAL OF SURPLUS REAL PROPERTY
BY PUBLIC AUCTION**

WHEREAS, Yancey County owns four (4) parcels of land as indicated on the Attachment A that are surplus to its needs; and

WHEREAS, North Carolina General Statute § 160A-270 permits the county to sell real property at public auction upon approval of the Board of County Commissioners and after publication of a notice announcing the auction;

NOW, THEREFORE, BE IT RESOLVED BY THE YANCEY COUNTY BOARD OF COMMISSIONERS THAT:

1. The Board of County Commissioners authorizes the sale at public auction of the four (4) parcels of land indicated on Attachment A.
2. The auction will be conducted at **1:00 p.m. on Wednesday, March 29, 2017**, at the front door of the Yancey County Courthouse located at 110 Town Square in Burnsville, NC.
3. The terms of the sale are that the buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by the County until either the County Commissioners reject the high bid for the property or, if the County Commissioners accept the high bid, the closing of the sale. The deposit will be forfeited to the County if the high bidder refuses to close the sale after the bid has been approved by the County Commissioners. The property will be sold as is where is by Special Warranty Deed subject to any and all exceptions or record.
4. After the auction, the high bid for each parcel shall be reported to the County Commissioners. The County Commissioners will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the County Commissioners have approved the high bid.
5. Yancey County reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

ADOPTED this the 13th Day of February, 2017.

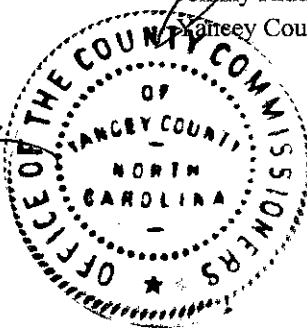
(County Seal)

ATTEST:

J. Jason Robinson, Clerk to the Board

Johnny Riddle, Chairman

Yancey County Board of Commissioners



ATTACHMENT A
Parcels Available for Public Auction
[Property descriptions]

1. That certain tract or parcel of land being known as Lot 213 Wolf Laurel Heights-Bucktown, containing .72 acre, Map # 986202858482000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 753, Page 528, to which reference is hereby made as if the same were fully incorporated herein.
2. That certain tract or parcel of land being known as Troxell Drive (Tract 2), containing 0.1 acre, Map #074700813513000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 742, Page 642, to which reference is hereby made as if the same were fully incorporated herein.
3. That certain tract or parcel of land being known as Lot 69 Mt. Mitchell Lands UT2, containing .57 acre, Map # 075503001078000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 240, Page 736, to which reference is hereby made as if the same were fully incorporated herein.
4. That certain tract or parcel of land being known as Simms Fork Road, Burnsville, containing 1 acre, Map # 987200708383000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 738, Page 249, to which reference is hereby made as if the same were fully incorporated herein.